IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2134 OF 2005

Smt.Nagaveni Kotian ..Petitioner.

V/s.

Chief Officer (R) Maharashtra Housing & Area Development Authority & Ors. ..Respondents.

Mrs.Neeta P. Karnik for petitioner.

Mr.P.G. Sawant, A.G.P. for respondents.

CORAM : J.P.DEVADHAR, J.

DATED : 30TH AUGUST, 2006.

P.C. :-

1. By an order dated 12th April, 2001 passed in Writ Petition No.459 of 2001, the Court directed the Chief Officer for Reconstruction & Repairs Board to consider the application of Smt.Nagaveni Kotian for allotment of alternate stall in accordance with law. The said Smt. Nagaveni Kotian was also given opportunity to produce additional evidence, if so desired.

2. Accordingly, the additional evidence was furnished by the said Smt.Nagvani Kotian and by the impugned order dated 7/7/2001 the Chief Officer has rejected the application of the petitioner Smt.Nagveni Kotian. This Petition is filed to challenge the said order dated 7/7/2001.

3. The grievance of the petitioner is that neither

the impugned order dated 7/7/2001 was served upon her nor in the impugned order the evidence submitted by the petitioner has been considered by the Chief Officer and hence the said order is liable to be quashed and set aside.

4. Mr.Sawant, learned A.G.P. appearing on behalf of the respondent fairly states that the order dated 7/7/2001 was not communicated to the petitioner and it is only when the petitioner applied for the copy of the order under Right to Information Act, a copy of the said order was furnished to the petitioner in the year 2005. Mr. Sawant further fairly stated that various documents furnished by the petitioner which are referred to in pages 27 to 29 of the petition have not been considered by the Chief Officer in the impugned order dated 7/7/2001.

5. In this view of the matter, the order dated 7/7/2001 is quashed and set aside and the Chief Officer is directed to pass a fresh order in accordance with law after giving a personal hearing to the petitioner and after considering the documents furnished by the petitioner, within a period of 4 weeks from today.

5. Petition is allowed. Rule is made absolute in terms of the order above with no order as to costs.

(J.P. DEVADHAR, J.)